

TOWN OF BREWSTER OPEN SPACE COMMITTEE

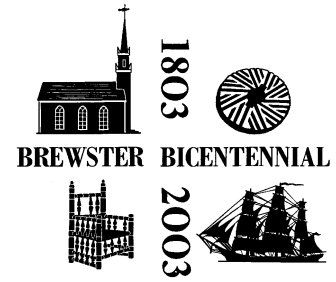
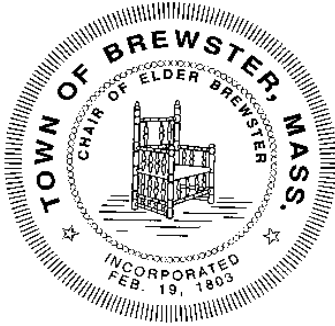
Spring 2016

COMMUNITY PRESERVATION COMMITTEE

APPLICATION: BOEHM PROPERTY



O GULLS WAY - LOT INTERIOR



APPLICATION FOR COMMUNITY PRESERVATION

Name of Applicant: *Brewster Open Space Committee*

Date: *January 26, 2016*

Contact Individual: *Elizabeth G. Taylor, Chair, Open Space Committee*

Mailing Address: *Town Hall 2198 Main Street Brewster. MA 01631*

Daytime Phone: *508-896-3701 x 1149* e-mail: etaylor@brewster-ma.gov

Name of Proposal: *Boehm Property at Sheep Pond Woodlands Conservation Area*

Address of Proposal (or assessor's parcel ID) *0 Gulls Way: Map 63, Parcel 36*

PROJECT SYNOPSIS

The Boehm Conservation Project involves the preservation of two lots (totaling 11.11 acres) located off Gulls Way (running from Route 137 to Route 124). The lots form the northern portion of an existing 20.29 acre parcel, which has frontage on Sheep Pond. These lots are midway between Sheep Pond Woodlands Conservation Area (79.47 acres), a Town Conservation parcel (3 acres), State Forest Land (6.1 acres) and the Police Department/Town Cemetery property. To the north, these lots end on the Cape Cod Rail Trail.

The lots have a rolling, gently sloped topography of scrub oak and pitch pine with moderately dense undergrowth. The Gulls Way forest, identified by the State as a Prime Forest Area, is one of the Open Space Committee's five focus areas for acquisition/preservation. The Committee has always attempted to purchase/protect available parcels within/adjacent to the Sheep Pond Woodlands, however, these inholdings rarely appear on the market. This area is also within the Regional Priority Land Acquisition Assessment Project area, as mapped by the Cape Cod Commission for Potential Public Water Supply Tracts in 1999, updated in 2010.

Sheep Pond is one of only five high quality ponds out of 82 in Brewster. Of the 29 ponds specifically tested, the other 24 were all impaired to varying degrees. It is one of Brewster's 24 Great Ponds (10 acres or more). Sheep Pond has remained high quality, mainly due to the lack of development within its watershed. The Boehm parcels are wholly within this watershed/recharge area. These parcels are also listed as high priority acquisitions by Brewster's Priority Ponds Project.

The Brewster Conservation Trust (BCT) will purchase the two parcels for \$275,000 and the Town will pay \$125,000 for the two Conservation Restrictions. The Conservation Commission will hold these Restrictions.

Category (circle all that apply): Open Space Historic Preservation Recreation Community Housing

CPA funding requested \$ 125,000

Total Cost of Proposed Project \$ 275,000

PROJECT DESCRIPTION

The Boehm Conservation Project involves the preservation of two lots (totaling 11.11 acres) located off Gulls Way (running from Route 137 to Route 124). The lots form the northern portion of an existing 20.29 acre parcel, which has frontage on Sheep Pond. **(ATT. 1a.)**

Located in an area bounded by the Cape Cod Rail Trail, Route 137, Sheep Pond and Route 124, this proposed conservation area is in the center of Brewster. These lots are midway between the Sheep Pond Woodlands Conservation Area (79.47 acres), a Town Conservation parcel (3 acres), the MA State Forest Long Lot (6.1 acres) and the Police Department/Town Cemetery property. To the north, these lots end on the Cape Cod Rail Trail. **(ATT. 1b.)**

Historically, this area was divided into "Long Lots", an original distribution pattern of wood lots used by the colonists. The Boehm property is one of the remaining wood lots. These are lightly developed tracts, housing a few year round homes, but mainly a scattered collection of summer cottages perched on the north shore of Sheep Pond, served by the unimproved Gulls Way. It is one of the largest remaining unfragmented forest areas in Brewster.

The lots have a rolling, gently sloped topography of scrub oak and pitch pine with moderately dense undergrowth. The 300-acre Gulls Way forest, identified by the State as a Prime Forest Area, is one the Open Space Committee's five focus areas for acquisition/preservation. When the Rowley and Bruch properties (the Sheep Pond Woodlands Conservation Area) were acquired, the Town had anticipated that this conservation area would be expanded westward in the future, using purchases, conservation restrictions and other land protection tools, to link up with the existing State Forest and other Town property on Route 124. The Committee has always attempted to preserve available parcels within/adjacent to the Sheep Pond Woodlands; however, these inholdings rarely appear on the market. This area is also within the Regional Priority Land Acquisition Assessment Project area, with a potential to support a supply well or be used for wellhead protection, as mapped by the Cape Cod Commission (1999 /2010).

Sheep Pond is one of only five high quality ponds out of 82 in Brewster. Of the 29 ponds specifically tested, the other 24 were all impaired to varying degrees. It is one of Brewster's 24 Great Ponds (10 acres or more). Sheep Pond has remained high quality, mainly due to the lack of development within its watershed. The Boehm parcels are wholly within this watershed/recharge area and listed as high priority acquisitions by Brewster's Priority Ponds Project.

The total project cost is \$275,000. Brewster Conservation Trust (BCT) will purchase the two parcels and the Town will pay \$125,000 for two Conservation Restrictions. The Conservation Commission will hold these Restrictions.

2. CPA GOALS/CRITERIA:

The goals of this project encompass many of the Community Preservation general criteria areas for community preservation and enhancement serving the purposes of Open Space, Historic Preservation and Recreation; saving resources that would otherwise be threatened; leveraging public funds and enhancing existing Town resources; all contributing to the preservation of Brewster's unique character.

Preservation of these 11.11 acres will provide:

Open Space Protection By:

- a. Permanently preserving important wildlife habitat, areas that are of significance for biodiversity, diversity of geological features/types of vegetation, habitat types that are in danger of vanishing from Brewster; habitats of threatened/endangered species of plants or animals.
- b. Protecting drinking water quantity and quality
- c. Taking advantage of an opportunity for the Town to help preserve a high priority parcel identified using a composite value ranking in the Town's Open Space Plan and Priority Pond Parcel Plan.
- d. Serving to enhance and protect existing wildlife corridors, promoting connectivity of habitat and preventing the fragmentation of such habitats.
- e. Preserving and protecting important surface water bodies, pond watersheds

a. Permanently protecting wildlife habitat, biodiversity

Like the rest of Cape Cod, the topography of the Sheep Pond Woodlands Area was formed and shaped by glacial activity. The retreat of the ancient ice sheets left behind the kettlehole depression that is now Sheep Pond. The dominant forest community found here is typical of maritime forests found on Cape Cod, consisting of a dense pitch-pine and oak, with an understory of black huckleberry, blueberry, viburnum, bracken fern and a groundcover of mayflower and checkerberry. This area has been a woodland for at least the last 100 years and therefore represents a high quality undisturbed forest with trees of significant age. It is considered Prime Forest Habitat by the State. These acquisitions will preserve intact a large unfragmented forest ecosystem identified by the Cape Cod Commission as within a Significant Natural Resource Area. Undisturbed, unfragmented forest interiors on Cape Cod are crucial locations for declining populations of breeding Neotropical migrant bird species, such as Scarlet Tanagers, Wood Thrushes and warblers, according to State Ornithologist Brad Blodget. The western end of Sheep Pond is also a priority site for Rare Species. Preservation of any acreage within the Sheep Pond recharge area is critical to protection of this habitat. (ATT 1c-d.)

It is interesting to note that Brewster ranked in the "Top 20 Massachusetts Towns in Forest Lost to Residential Development (by acres lost)" from 1985 to 1999. Since then, the rate has slowed, but Brewster still ranks in the top 11 percent of all Mass. towns in this regard. (Source: "Losing Ground: At What Cost?" Mass. Audubon Society, 2003 & 2009). Brewster was also cited as one of five towns in the Top 25 for rare species diversity relative to forest loss. In sum, Brewster has lost more than 1,300 acres of its forest to sprawl since 1985, placing its extensive upland habitats at risk.

The State specifically promotes growth away from undeveloped, "frontier" areas so that existing public infrastructure can be concentrated in growth centers and public investment is maximized efficiently. These parcels are located in one of the few frontier areas left in Brewster where there are no paved roads, no public water supply distribution system, no sewer, no gas pipelines, etc. All of the scattered cottages on Sheep Pond use on-site wells and septic systems.

b. Protecting drinking water quantity and quality

Preservation of these parcels would promote protection of one of the top priority areas for future wellfield development in Brewster, as documented by the US Geological Survey in 1994 and the Cape Cod Commission Priority Land Assessment Acquisition Program in 1999 (updated in 2010). Projections of a water supply shortage by the year 2020 led the Cape Cod Commission to conduct this study of land areas that could potentially support a supply well or be used for wellhead protection. The Project, focused on Upper and Mid Cape towns with public water supplies. The goal was to assist towns in the Sagamore and Monomoy lenses in prioritizing properties that may be suitable for water supply development and protection. Tracts of land in these towns were evaluated for their water supply development potential based on natural resources and land use

constraints and rated as having low, medium, or high potential. The study concluded that there were six areas of Brewster that had "high potential" as future water supply sites. At 330 acres, the Sheep Pond area was by far the largest of the six recommended sites for additional exploration. The apex of the Brewster water table (the Monomoy Lens) falls within this site (as a future wellsite this would mean great yield and pumping rates). Drinking water recharge areas/wellfields have always been at the top of Brewster's land acquisition list.

The Brewster Water Commissioners support this acquisition and agree that there are few places left in Brewster to site a new well outside of existing wellfields. The area between Gulls Way and the CC Rail Trail was identified as one such place in 2001 and still retains integrity for that purpose. (ATT. 3a.)

a. Preserving and protecting important surface water bodies

With the assistance of the Cape Cod Commission, Brewster's Pond and Lake Stewards (PALS) Program has been sampling/testing water quality for 29 ponds every year since 2001, including Sheep Pond. All of Brewster's larger ponds were recently assessed as part of the Comprehensive Water Management Committee's "Water Resource Management Plan".

Sheep Pond is one of only five high quality ponds out of 82 in Brewster. Of the 29 ponds specifically tested, the other 24 were all impaired to varying degrees. It is one of Brewster's 24 Great Ponds (10 acres or more). Sheep Pond has remained high quality, mainly due to the lack of development within its watershed. The Boehm parcels are wholly within this watershed/recharge area. These parcels are also listed as high priority acquisitions by Brewster's Priority Ponds Project.

Sheep Pond is directly linked to the Monomoy lens, Brewster's drinking water aquifer. The pond currently has exceptional water clarity, due to the limited supply of nutrients. Preventing development and associated on-site septic systems that might otherwise occupy this site in the future, is critical to maintaining the pristine quality of this pond.

As part of the Massachusetts Watershed Initiative, the Town published a "Diagnostic/Feasibility Study of Sheep Pond, Brewster," with funding assistance from the Clean Lakes Program of the Massachusetts Department of Environmental Protection. After extensive sampling and analysis, the Town's consultant concluded: "presently the pond is an excellent recreational resource with no pronounced symptoms of cultural eutrophication" and recommended that land within the Sheep Pond watershed "be preserved in its natural state through purchase or conservation easement." (1993)

Sheep Pond has the advantage that many Cape Cod ponds no longer have: the chance to maintain its pristine quality before overdevelopment introduces large amounts of nutrients into its zone of contribution. Preserving these parcels will prevent the potential for additional new homes, lawns and storm drains to introduce pollutants into the pond's ecosystem.

Sheep Pond is the only coldwater pond in Brewster outside of Nickerson State Park (there are very few in all of Barnstable County). It has been managed extensively by the State since 1916 to maintain a trout fishery and is annually stocked with trout by State Division of Fisheries & Wildlife. The first record of stocking is dated 1916 and over the years salmon, trout, perch, and bass have been introduced to the pond for recreational fishing purpose. (It should be noted that, although Sheep pond is not listed as nutrient impaired, there is a mercury advisory, which means mercury levels in the fish (due to atmospheric deposition) are above state standards.)

b. Serving to enhance and protect existing wildlife corridors, promoting connectivity of habitat and preventing the fragmentation of such habitats.

These parcels easily link with other conservation lands owned by the Town. These parcels and the adjacent ones, form contiguous forested uplands, which protect wildlife corridors, promoting connectivity of these habitats. In the same way that these pathways are linkages for Cape Cod Pathways Project, protection of these habitats maintain corridors wide enough for the movement of many species of mammals, amphibians and birds.

Historic Preservation By:

- a. Protecting, preserving, enhancing, restoring and/or rehabilitating historic, cultural, architectural or archaeological resources of significance, especially those that are threatened;
- b. Protecting areas of Primary Archaeological Sensitivity as shown on the Archaeological Resources Map produced by the Cape Cod Commission GIS Systems Department and the Brewster Natural Resources Department in 1989.

History

The earliest known deed for the properties surrounding the Sheep Pond is dated 1719. The pond was already known as Sheep Pond at that time. This area is rarely mentioned in history books and what we know of the property comes from the knowledge of local residents. Legend has it that Native Americans frequented this area and that Thoreau was known to camp there. The first European residents of the area are believed to have grazed sheep on the rocky soil; hence the pond's name.

The land is divided into narrow lots, based on the original "long lots" colonial property divisions. The purpose of this configuration was to allow owners access to the woodland for firewood and the pond for ice harvesting. The roads that still crisscross this area were established to facilitate the harvest of wood and ice. Gulls Way is an ancient way, regularly used by the public.

With the creation of The Brewster Archaeological Resources Map, areas in Town with archaeological sensitivity were identified as having Primary, Secondary or Tertiary Sensitivity (1993, with 1996 & 1998 updates). The Map identifies the Sheep Pond area as one of Secondary Sensitivity (areas within 500 feet of a water body greater than 3 acres in size that are not a part of the Herring River or Stony Brook drainage systems. These areas are likely to contain prehistoric archaeological sites, particularly is they intersect areas of primary sensitivity. (ATT 2 a.-b.)

This unfragmented woodland would have a high probability of containing prehistoric archaeological sites. Such archaeological sensitivity would primarily be due to environmental setting, with level, sandy, well-drained soils in proximity to the wetlands and water resources, including Sheep Pond, favorable for ancient and historic period land use and occupation. Types of archaeological resources that could be present within the parcel could include artifacts, subsurface soil deposits and features associated with ancient and historic period Native American occupations or with other uses of the parcel during the historic period, including early residential settlement and agriculture." These lands also contain numerous old trails, most likely part of historic North South Native American Pathways which ran from Cape Cod Bay to Nantucket Sound.

Recreation Enhancement By:

- a. Expanding the range of passive recreational opportunities available to all ages of Brewster residents and visitors.
- b. Benefiting the Brewster Pathways Committee by promoting the use of alternative corridors that provide safe and healthy non-motorized transportation by providing connections with existing trails and conservation areas.

c. Ensuring preservation of a variety of rural recreational activities and high-quality natural environments in close proximity to residential areas by establishing green pathway linkages connecting various sections of town with each other and to neighboring towns.

Every Town survey that has been done indicates that residents and visitors alike want more walking and bike trails. This is an opportunity to provide public access to an unfragmented woodland via footpath for walking, nature observation and other passive activities such as dog walking, biking and bird-watching.

This acquisition is at the geographical center of town and near many large neighborhoods, whose residents would readily take advantage of its amenities. The Boehm parcels add 11.11 acres of open space lands to the already significant acreage of Sheep Pond Woodlands. It is part of over 300 acres of unfragmented forest in the region. Boehm abuts the State-owned Cape Cod Rail Trail that forms a corridor connecting several towns from mid to lower Cape and which accommodates over 200,000 users each year. The site also helps to connect a future inter-town linkage along Gulls Way, as part of the Cape Cod Pathways/Brewster Pathways system.

3. COMMUNITY BENEFITS:

This preservation would provide multiple benefits to numerous populations. The general current population of Brewster (9,425) will benefit, as will Brewster's 30,000+ annual visitors, many of whom will be able to enjoy this area.

The Brewster voters have been approving land acquisition for over 45 years, accumulating over 1,100 acres to protect their drinking water and surface waters, wildlife corridors, rare and endangered species habitats and a massive recreation areas. They approved the Sheep Pond Woodlands Conservation Area 14 years ago. The three-acre Conservation Commission parcel was added in 1987 and abuts a 9.98 acre parcel on which the Conservation Commission now holds a conservation restriction.

Gulls Way has been identified as an important linkage for Cape Cod Pathways through-route and endorsed by the Brewster Board of Selectmen and the Brewster Pathways Committee in 1998. The cartways crossing this area provide a peaceful and scenic walk through the woods.

Historically the Sheep Pond Woodlands Area has been used and enjoyed for passive recreation by residents and visitors alike. The 1991, 1999 and 2013 Town of Brewster surveys found that residents value the preservation of public lands for accessible peaceful recreation.

4. COMMUNITY SUPPORT:

The Town is happy to be a partner in this project. The Brewster Conservation Trust has provided assistance in negotiations and will have custody of the parcels. The Compact of Cape Cod Conservation Trusts, Inc. has provided negotiation and technical assistance on this acquisition and has drafted the Conservation Restriction for the Town.

The letters of support and comment are appended as **ATT. 3.**

5. TIMELINE:

The Purchase & Sale Agreement was signed on February 24, 2016. With a positive Community Preservation Committee recommendation, this project will be on the warrant for Spring Town Meeting. If this article is approved by the voters, the Conservation Restriction will be finalized by the end of the year.

6. CREDENTIALS:

The Brewster Conservation Trust will have custody and control of this conservation area. They currently own over 489 acres and hold Conservation Restrictions on another 448 acres (Town and private lands). Natural Resources Department and the Conservation Commission currently control and manage over 1,100 acres of land. The Brewster Conservation Commission will hold the Conservation Restriction, which will enable it to also participate in maintenance and management of this conservation area. Residents and visitors will have public access to these lands.

7. BUDGET:

The land acquisition cost of \$275,000 represents the negotiated purchase price. The BCT will purchase the parcels for \$275,000 and is asking the Town to contribute \$125,000 for the two Conservation Restrictions.

Appraisal Summary:

Michael Sutton, Certified General Real Estate Appraiser

Appraisal Company of Cape Cod, Inc.

170 Route 6A

Orleans, MA 02653

Effective Date of Value: February 29, 2016

Opinion of Market Value as CR parcels: \$ 370,000 (\$185,000 per lot)

8. MAINTENANCE:

The Boehm purchase will be under the custody and control of the Brewster Conservation Trust. The Brewster Conservation Commission will hold the Conservation Restriction, which will enable it to also participate in maintenance and management of this conservation area.

**The Brewster Open Space Committee
January 26, 2016**

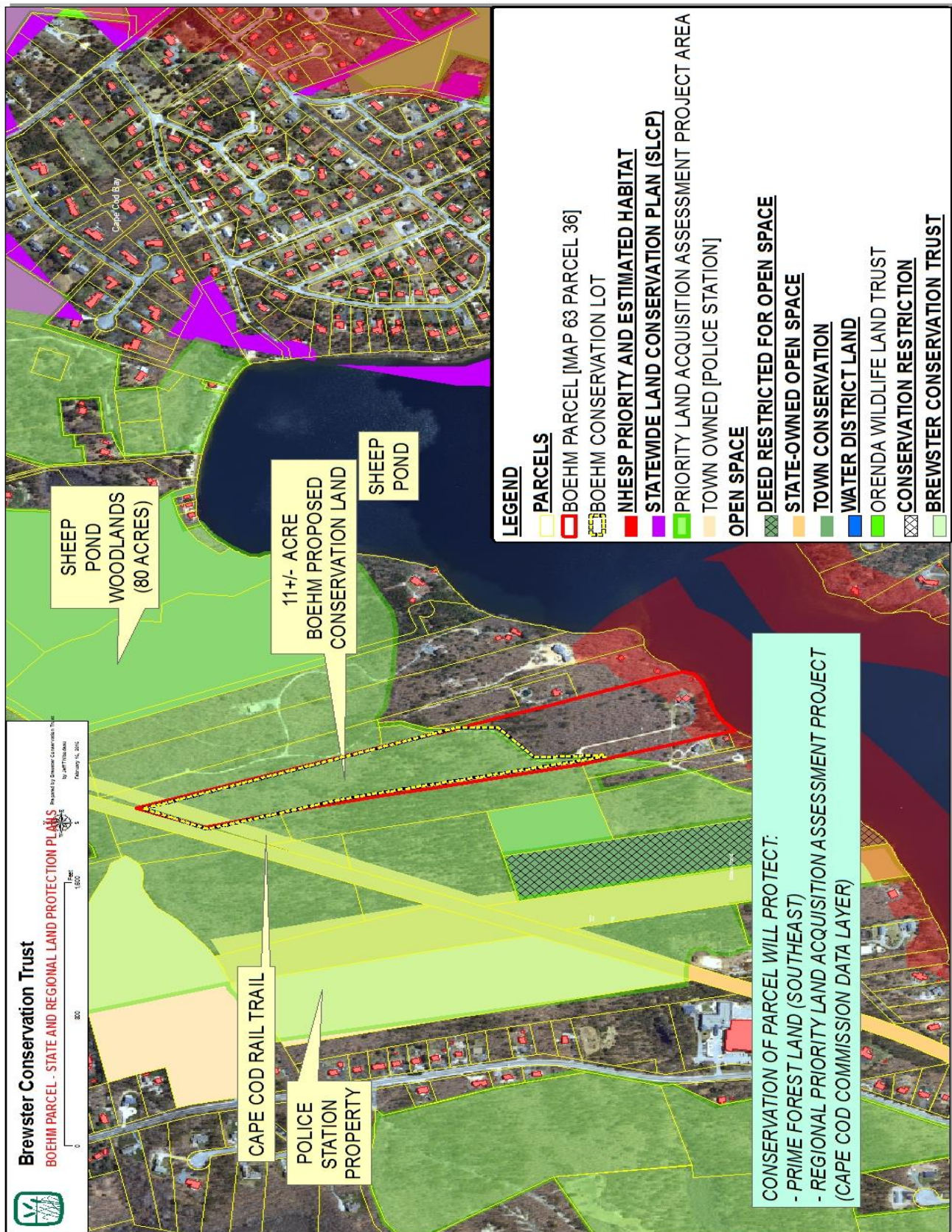
LIST OF ATTACHMENTS

- 1. Maps & Photos**
 - a) Assessor's Map: Boehm Parcel**
 - b) Boehm Parcel: Conservation Land Connectivity**
 - c) Boehm Parcel: State & Regional Land Protection Plans**
 - d) Boehm Parcel: Site Photos, 2015**
- 2) a) Archaeological Resources Map**
 - b) Map Notes for Archaeological Resources Map**
- 3) Letters of Support**
 - a) Brewster Water Commissioners February 9, 2016**
 - b) Brewster Conservation Commission**
 - c) Brewster Pathways Committee**





ATT. 1b. BOEHM PARCEL: CONSERVATION LAND CONNECTIVITY



ATT 1c. BOEHM PARCEL: STATE & REGIONAL LAND PROTECTION PLANS



BOEHM
11.11 acres
North side of
Gulls Way

2015



BOEHM
11.11 acres
Looking east
on Gulls
Way
Property on
left

2015

Att. 2a. TOWN OF BREWSTER – ARCHAEOLOGICAL RESOURCES MAP

MAP NOTES:

PRIMARY SENSITIVITY (1,000-FOOT PROTECTIVE BUFFER ZONE):

This area generally includes all areas within 1,000 feet of a marine ecosystem, particularly those areas within close proximity to fresh water. These areas have a high probability of containing prehistoric archaeological sites. The four most important areas for management consideration based upon available data are: Namskaket Creek and marsh, the Cape Cod Bay shoreline, Stony Brook Valley, and the major ponds of the Herring River Drainage System.

SECONDARY SENSITIVITY (500-FOOT PROTECTIVE BUFFER ZONE):

This area generally includes all areas within 500 feet of a water body greater than 3 acres in size that are not a part of the Herring River or Stony Brook drainage systems. These areas are likely to contain prehistoric archaeological sites, particularly is they intersect areas of primary sensitivity.

TERTIARY SENSITIVITY:

This area generally includes all areas within a protective zone that skirts wetlands of any size and water bodies less than three acres in size. Developments that may disrupt the natural character or inhibit public safety are prohibited in this protective zone. The delineation of the protection zone is defined in the Town of Brewster's Wetlands Conservancy District Bylaw and are subject to the regulations that constitute the Wetlands Protection act, MGL.c.131, --40, as amended. Archaeological sites may exist within these environments.

Maps originally produced in 1993, with revision/updates in 1996 and 1998, by the Cape Cod Commission.

ATT. 2b. MAP NOTES FOR ARCHAEOLOGICAL RESOURCES MAP



Douglas Wilcock
Deane Keuch, PE
William Porter
Susan Brown
Board of Water Commissioners

TOWN OF BREWSTER
WATER DEPARTMENT



Paul Anderson
Superintendent

February 9, 2016

Community Preservation Committee
Town Of Brewster
2198 Main Street
Brewster, MA 02631

Dear Committee Members,

In reference to the potential acquisition of property within the Sheep Pond Watershed, the Brewster Water Commissioners are in full support of the continuing efforts of the town to purchase land within critical drinking water protective areas. It is this forward thinking and progressive planning that will ensure safe, clean drinking water for generations to come.

Sincerely,

Doug Wilcock Susan Brown Deane Keuch William Porter
Doug Wilcock *Deane Keuch* *William Porter*
The Brewster Board of Water Commissioners

165 COMMERCE PARK ROAD • BREWSTER, MA 02631 • 508-896-5454 • FAX 508-896-4517

ATT. 3a: LETTER OF SUPPORT– BREWSTER WATER COMMISSIONERS



Town of Brewster
Cape Cod Pathways Committee
2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701
Fax (508) 896-8089



March 9, 2016

Dear Members of the Community Preservation Committee,

This letter is to show the support of the Brewster Pathways Committee for the acquisition of the Boehm properties on Gulls Way, Brewster, with the Town contributing funds to hold the Conservation Restrictions.

The Pathways Committee will be using the section of Gulls Way contained by the Boehm property for the continuation of the Cape Cod Pathways Trail connecting Sandwich to Provincetown with a major walking trail.

While the Pathways Trail can use Gulls Way due to various legal conditions governing the use of plowed roads in Town, unencumbered ownership always takes away all possible issues with walkers crossing essentially private land.

We feel that the Town's participation in preservation of this property for open space and passive recreation, will substantially add to the value of the nearby Sheep Pond Woodlands Conservation Area, as well as provide a great path for hikers, walkers and off-road bicyclists.

Please consider the funding of the Conservation Restrictions as a great benefit to the Town and to the Pathways initiative.

Thank you,

Gary Christen, Chair,
Brewster Pathways Committee

ATT. 3c: LETTER OF SUPPORT –BREWSTER PATHWAYS COMMITTEE